

Application No. 10/642,249

MXIC 1553-3
(P920080)**REMARKS**

In the Official Action mailed 27 January 2005, the Examiner reviewed claims 1-57. The Examiner rejected claims 21-57 under 35 U.S.C. 112, second paragraph; rejected claims 1-4, 6 and 9 under 35 U.S.C. 102(e); rejected claims 5 and 7 under 35 U.S.C. 103(a); and objected to claims 8 and 10-20 as being dependent upon a rejected base claim. Applicant has amended claims 1-21, 30, 40 and 49, and has canceled claim 31. Claims 1-30 and 32-57 remain pending.

The Examiner rejections are respectfully traversed below.

Rejection of 21-57 under 35 U.S.C. 112, second paragraph

Claims 21-57 are rejected under 35 U.S.C. §112, second paragraph as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the independent claims 21, 30, 40 and 49 in view of the rejection. Application has canceled claim 31. Accordingly, reconsideration of the rejection of claims 21-30 and 32-57 as amended is respectfully requested.

Rejection of Claims 1-4, 6 and 9 under 35 U.S.C. §102(e)

Claims 1-4, 6 and 9 are rejected under 35 U.S.C. §102(e) as being anticipated by US Patent Application Publication No. 2004/0031853 to Peng.

Applicant has amended claim 1 to recite that the stress comprises "a plurality of pulses of voltage less than 5 volts across the first and second electrodes." Peng describes the programming operations at paragraphs [0052], [0060], [0065] and [0082]. Peng does not anticipate applying a plurality of pulses of relatively low voltage as claimed, to induce progressive change, as recited. Accordingly, claim 1 as amended is not anticipated by Peng.

Applicant has amended claims 2-4, 6 and 9 so that they depend from claim 10, which has been amended to incorporate the subject matter of claim 1, and which the Examiner indicated would be allowable.

Accordingly, reconsideration of the rejection of claims 1-4, 6 and 9 as amended is respectfully requested.

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Rejection of Claims 5 and 7 under 35 U.S.C. §103(a)

Claims 5 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Peng as applied to claim 1 above, and further in view of US Patent Application Publication No. 2004/0137688 to Chang et al. Applicant has amended claims 5 and 7 so that they depend from claim 10, which has been amended to incorporate the subject matter of claim 1, and which the Examiner indicated would be allowable.

Accordingly, reconsideration of the rejection of claims 5 and 7 as amended is respectfully requested.

Allowable Subject Matter

Claims 8 and 10-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended claim 8 so it depends from claim 10, which has been amended to incorporate the subject matter of claim 1, and which the Examiner indicated would be allowable. Likewise, claims 11, 15, 17, 19 and 20 have been amended to incorporate the subject matter of claim 1. Claims 12-14 have been amended to depend from claim 11. Claim 16 has been amended to depend from claim 15. Claim 18 has been amended to depend from claim 17.

Accordingly, reconsideration of the objection to claims 8 and 10-20 as amended is respectfully requested.

Specification

Applicant has amended paragraphs [0001] through [0003] of the specification herein to insert related application numbers which were left blank due to lack of information at the time of filing. Applicant has also amended the same paragraphs to make them more clear. Such amendments have not added new material and do not materially alter the specification.

CONCLUSION

It is respectfully submitted that this application is now in condition for allowance, and such action is requested.

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The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (MXIC 1553-3).

Respectfully submitted,

Dated:

14 Apr 2005



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